

**REMARKS**

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application and for indicating that claims 3-7 contain allowable subject matter.

**Disposition of Claims**

Claims 1-7 are pending. Claim 1 is independent. The remaining claims depend, directly or indirectly, from claim 1.

**Claim Amendments**

Independent claim 1 is amended to clarify aspects of the present invention. Claims 2-7 are amended to correct minor informalities and to clarify the claimed language. No new matter is added by way of these amendments, as support is found at least on page 3, lines 1-7 and page 4, lines 13-21 of the Specification as filed.

**Objections to the Claims**

Claims 1-7 are objected to for unclear language. Specifically, the Examiner notes minor informalities with respect to claim 1, and finds the phrases “substantially linear” and “a detection range” and “the working range” in dependent claims 6 and 7 to be unclear. *See* Action, page 2.

In response to the Examiner’s objections, Applicant has amended claim 1 to properly recite “magnetic member” rather than “magnetic body.” In addition, the phrase “substantially linear” is amended to recite merely “linear” in claim 6. With respect to claims 6 and 7, the phrase “a detection range” is maintained, while the phrase “the working range” in claim 7 is

amended to recite “the detection range,” which now has proper antecedent basis in view of claim 6. Regarding the phrase “a detection range,” the Examiner asserts that it is unclear what the detection range is or how it is defined. Applicants respectfully refer the Examiner to page 3, lines 1-7, which describes a detection range as being a range over which the signal from the detector is [substantially] linear. The Specification further states “[t]hus, an almost linear response is obtained for the sensor without it being necessary to provide a particular shape for the pole pieces.”

Accordingly, in light of this explanation offered in the Specification, Applicants assert that it is clear that the detection range is defined *as the range over which the detector signal is linear*. Thus, Applicants assert that claim 6 properly recites that which is defined in the specification as a “detection range” and is no longer indefinite.

#### **Rejection(s) under 35 U.S.C. § 103**

Claims 1-2 are rejected under 35 U.S.C. § 103(a) as being unpatentable over EP 1120626 (“Kono”). To the extent that this rejection may still apply to the claims as amended, this rejection is respectfully traversed as follows.

MPEP § 2143 states that “[t]he key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in KSR noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit.” Further, when combining prior art elements, the Examiner “must articulate the following: (1) a finding that the prior art included each element claimed, although not necessarily in a single prior art reference, with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art

reference....” MPEP § 2143(A). Applicant respectfully asserts that the Examiner has failed to do so.

If the Examiner does not produce a *prima facie* case, Applicant is under no obligation to submit evidence of non-obviousness. The initial evaluation of *prima facie* obviousness thus relieves both the Examiner and Applicant from evaluating evidence beyond the prior art and the evidence in the specification as filed until the art has been shown to suggest the claimed invention. See MPEP § 2142.

The amended claims require, in part, (i) a magnetic member that comprises the form of a frame so that field lines are parallel. Applicant respectfully asserts that Kono fails to disclose or render obvious the aforementioned limitation.

Specifically turning to the rejection, Kono discloses a magnetic sensor having a cylindrical magnetic member comprising two parallel magnets (27) arranged so that the same poles of the magnets are opposed in a circumferential direction. This is in complete contrast to the limitation recited above requiring a *frame form of the claimed magnetic member in which the field lines are parallel*.

In view of the above, it is clear that the Examiner's contentions fail to support an obviousness rejection of amended independent claim 1, because Kono fails to disclose or render obvious the aforementioned limitation required by (i) above. Dependent claim 2 is patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

**Conclusion**

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 17286/006001).

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